FILE DESCRIPTION

NEW YORK FILE

Bulky Exhibits

SUBJECT Abraham Brothers

FILE NO. 100-9506 8-16

VOLUME NO. [redacted]

SERIALS 36

Thru

63

NOTICE

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JULIUS ROSENBERG, et al.

NEW YORK BULKY EXHIBIT FILES

Abraham Brothman

100-96068-18

Exhibit Number	Description	Released	Denied	Withheld
36	box of 16 MM Film of documents			Destroyed 2-12-52
37	Waiver of Search Executed by Subject	✓		
38	8 Photos of Subject	✓		
39	Gindler Corp. file Pertaining To Subject			Destroyed 2-12-52
40	Notice of bill of particulars filed by Subject And Moskowitz	✓		
41	Memorandum in opposition To defendants Motion for bill of particulars	✓		
42	Opinion filed 10-11-50 denying Motion for bill of particulars	✓		
43	Negative of Subjects' 1933 Columbus ½ Photo			Destroyed 2-12-52
44	Notes of SAS, Recording Serial Numbers of bills posted as bail for Subject			Destroyed 2-12-52
45	5 Photostatic Copies of Check	✓		
46	Copy of A.P. Weber Statement dated 11-15-44	✓		
47	Copy of Letter dated 4-2-48 From John Halpin	✓		
48	Copy of Letter dated 8-11-45 From A.P. Weber	✓		
49	Copy of Agreement dated 8-14-43 between Regal Chemical Corp And Subject	✓		
50	6 Photos And 6 Negatives of Subjects Car	✓		Unable To X-Negatives
51	Small Box of Color Slides Subjects 1940 Pontiac			Unable To X-Negatives
52	Copy of Article "Introduction To Liquid Mixing" by Subject And M. Kaplan			Destroyed 2-12-52
53	Copy of Article "Alkyd Resin Plant Design"			Destroyed 2-12-52
54	Copy of Catalogue Containing Data on Hendrick Mixing Equipment			Destroyed 2-12-52
55	Copy of Article "Design of a Urea Resin Plant"			Destroyed 2-12-52
56	3 Copies of C.P. Nominating Petition For 1943 Containing Names of Subject And Miami Brothman			Destroyed 9-25-57
57	Original + 1 Copy of 4 Pg Booklet on Injection Mixers And Super Turbine Mixer			Destroyed 2-13-52
58	Original + 1 Copy of 1 Pg on Injection Type Mixer			Destroyed

JULIUS ROSENBERG, et al.

NEW YORK BULKY EXHIBIT FILES

Exhibit Number	Description	Released	Denied	Withheld
59	8 CARDS BEARING HAND-WRITING OF HARRY GOLD	✓		
60	COPIES OF REGISTRATION CARDS BEARING SIGNATURES OF SUBJECT, [illegible]			[illegible] STATE DEPT
61	COPY OF PATENT [illegible] ON OF A. [illegible]	✓		[redacted]
62	COPY OF SUBJECT'S SELECTIVE SERVICE FILE			DESTROYED 7-25-57
62A	WORK SHEET ON SUBJECT'S [illegible]	✓		
63	NAMES OF [illegible]			DESTROYED 7-2[illegible]-57

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 6-21-50

ABRAHAM BROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent H.M. KANE

Source from which obtained SEE SERIAL 202A

Address

Purpose for which acquired EVIDENCE

Location of bulky exhibit - IN CABINET WITH FILE

Estimated date of disposition TO BE DECIDED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

36. A box containing a reel of 16 mm. film consisting of a series of documents the majority of which bore the heading "A. Brothman and Associates".

Destroyed 2/12/52
Collins

100-95068-1B #1

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 8-18-50

ABRAHAM BROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent J.C. COLLINS

Source from which obtained ABRAHAM BROTHMAN

Address

Purpose for which acquired EVIDENCE

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition ~~TO BE DECIDED AT CONCLUSION OF CASE~~

Ultimate disposition to be made of exhibit RETAIN

List of contents:

37. Waiver of search executed by Abraham Brothman.

92

100-95068-1B

1950

FD-26
(7-29-44)

I, Abraham Brothman, having been informed of my constitutional right not to have a search made of the premises hereinafter mentioned without a search warrant and of my right to refuse to consent to such a search, hereby authorize T. M. Collins, R. F. Miller, J. R. Murphy, and Thomas Zoeller, Special Agents of the Federal Bureau of Investigation, United States Department of Justice, to conduct a complete search of my ~~residence~~ office located at 29-28-41st Ave Long Island City

These agents are authorized by me to take from my ~~residence~~ office any letters, papers, materials or other property which they may desire.

This written permission is being given by me to the above named Special Agents voluntarily and without threats or promises of any kind.

(SIGNED)
Abraham Brothman

WITNESSES:
John M. Collins, Sp. Agt. FBI
Harold J. Good, Sp. Agt. FBI

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 8-18-50

ABRAHAM BROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent J.M. COLLINS

Source from which obtained PHOTO LAB

Address

Purpose for which acquired ~~INVESTIGATION~~

Location of bulky exhibit - IN CABINET WITH FILE

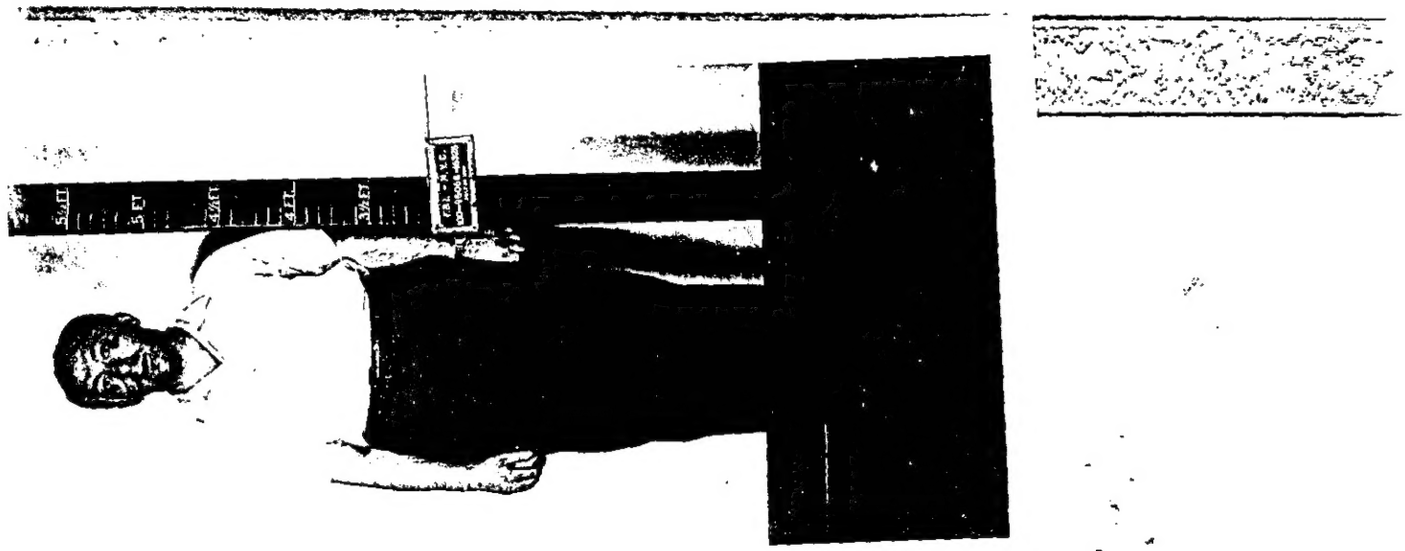
Estimated date of disposition ~~TO BE DECIDED AT CONCLUSION OF CASE~~

Ultimate disposition to be made of exhibit RETAIN

List of contents:

38 7 photographs (3 standing and 4 front and side view) of Abraham Brothman taken 7-29-50.

100-95068-1B (23)



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NAME ABRAHAM BROTHMAN

DATE PHOTO TAKEN

F.B.I. NO.

CRIME

SEX NATIONALITY

BIRTH DATE HEIGHT

WEIGHT BUILD

COMPLEX. RACE

HAIR EYES

SCARS & MARKS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NAME ABRAHAM BROTHMAN

DATE PHOTO TAKEN

F.B.I. NO.

CRIME

SEX NATIONALITY

BIRTH DATE HEIGHT

WEIGHT BUILD

COMPLEX. RACE

HAIR EYES

SCARS & MARKS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

ABRAHAM BROTHMAN

DATE PHOTO TAKEN 7-29-50

NATIONALITY

HEIGHT

BUILD

RACE

EYES

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

ABRAHAM BROTHMAN

DATE PHOTO TAKEN

NATIONALITY

HEIGHT

BUILD

RACE

EYES

MARKS

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NAME ABRAHAM BROTHMAN

FBI NO. _____ DATE PHOTO TAKEN _____

F.P.C. _____

CRIME _____

SEX _____ NATIONALITY _____

BIRTH DATE _____ HEIGHT _____

WEIGHT _____ BUILD _____

COMPLEX. _____ RACE _____

HAIR _____ EYES _____

SCARS & MARKS _____

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NAME ABRAHAM BROTHMAN

FBI NO. _____ DATE PHOTO TAKEN _____

F.P.C. _____

CRIME _____

SEX _____ NATIONALITY _____

BIRTH DATE _____ HEIGHT _____

WEIGHT _____ BUILD _____

COMPLEX. _____ RACE _____

HAIR _____ EYES _____

SCARS & MARKS _____

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 8-28-50

ABRAHAM BROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent ROBERT W. KANE

Source from which obtained LOUISVILLE LETTER 8-23-50

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE DECIDED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

39. Girdler corporation file pertaining to Brothman.

Destroyed 2/12/52 Collins

100-95068-1B 24

1948

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 9-26-50

ABRAHAM BROTMAN,

100-95068-1B
(Title of case)

Submitted by Special Agent JOHN M. COLLIER.

Source from which obtained ANNA ROY W. COLE

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE HELD AT CONCLUSION OF CASE.

Ultimate disposition to be made of exhibit RETAIN

List of contents:

40. Copy of notice of motion for bill of particulars filed by Brothman and Moskowitz.
41. Copy of memorandum in opposition to defendant's motion for a bill of particulars.

100-95068-1B
25

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF NEW YORK

- -x

UNITED STATES OF AMERICA :

:

-v- :

:

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ, :

Defendants. :

- -x

MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION FOR A BILL OF PARTICULARS

Statement

This memorandum is respectfully submitted in opposition to the motion by defendants Brothman and Moskowitz for a bill of particulars, dated September 5, 1950, or to the indictment against said defendants. The motion is not supported by affidavits or sworn representations of any character whatsoever.

The Indictment

The indictment which is the subject of this motion is in two counts. In the first count, both defendants, Brothman and Moskowitz, are charged with having conspired to defraud the United States in the exercise of its function of administering and enforcing its criminal laws, and to influence, obstruct and impede the due administration of justice therein, in violation of Section 241 of Title 18, United States Code (1946 Ed.). The first count, in addition to the charging paragraph, which fulfills all statutory requirements, contains five additional paragraphs in which the details of the conspiracy are recited. The Grand Jury expends on its charges in these five paragraphs by alleging that the conspiracy by the defendants had as its object an espionage investigation by a Grand Jury for the Southern District of New York, and that in connection with that investigation, the defendant Brothman and Harry Gold, a co-conspirator, would agree upon fictitious explanations of their association with each other, and that Brothman would appear before the Grand Jury and give false testimony as to this association, and following said testimony, would advise co-conspirator Harry Gold of the substance

of the testimony, so that Gold would tell a story to the Grand Jury, when he testified, which would conform to Brothman's, and would similarly be false, fictitious and manufactured. Four overt acts are set forth in the indictment as having been committed in furtherance of the conspiracy.

In the second count the Grand Jury has charged that Brothman, on July 31, 1947, influenced, intimidated and impeded a witness before this Grand Jury, namely, Harry Gold, in violation of Section 241 of Title 18, United States Code (1946 Ed.). In addition to the charging paragraph, in the course of which all statutory elements are fulfilled, three paragraphs are included in the course of which the Grand Jury alleges the details of Brothman's illegal acts, namely, that in the course of the Grand Jury espionage investigation, Brothman, knowing that the witness Gold had been subpoenaed to appear before the Grand Jury on July 31, 1947, urged, advised and persuaded Gold to give false testimony before the Grand Jury.

THE INDICTMENT ITSELF FURNISHES THE DEFENDANTS WITH MORE PARTICULARS THAN THEY ARE ENTITLED TO UNDER THE AUTHORITIES, AND THE MOTION FOR A BILL OF PARTICULARS SHOULD THEREFORE BE DENIED IN ALL RESPECTS

The instant motion is made on unsworn representations. Rule 7(f) of the Federal Rules of Criminal Procedure permits the District Court in its discretion to grant a bill of particulars on a showing "of cause". Defendants' motion should be denied because there is a total lack of showing "of cause" - undoubtedly due to the fact that in the indictment the defendants are given much more than they are entitled to receive under law, as will be demonstrated by citation of authorities herein. If the motion is to be considered at all, it can be considered only on the indictment itself. This was made clear by Judge Ryan in United States v. Rubinstein, (9 F.R.D. 255 D.C. S.D.N.Y.), in which, in a similar situation, it was held, at p. 257:

> "No affidavit or sworn statement of counsel accompanies this application; it is determined therefore only on the indictments themselves."

The authorities are clear in holding that a bill of particulars should be granted only when an indictment fails to (1) acquaint the accused with what he is charged and thus against what he must defend, and (2) to enable him to be sufficiently informed of the charge to plead an acquittal or conviction in bar of another

prosecution for the same offense, Wong Tai v. U.S., 273 U.S. 77; United States v. MacLeod Bureau, 6 F.R.D. 590, 592 (Mass., 1947); U. S. v. Kessler, 43 F. Supp. 408, (E.D.N.Y., 1942); United States v. Rosenwasser Bros., 255 F. 933 (S.D.N.Y., 1919). This rule was formulated in Sawyer v. U. S., 89 F. 2d 139, 140, as follows:

> "Such a bill is referable to, and it must be construed in the light of the language of the indictment. Robinson v. United States (C.C.A.) 33 F. 2d 238. If the language of the indictment is so far definite and certain as to safeguard all of the rights of a defendant and to enable him properly to prepare his defense, a bill of particulars will not be required."

The indictment herein, as is apparent upon examining it, is detailed far beyond legal requirements, and amply informs the defendants of the charges so as to safeguard their rights.

Each count of the indictment commences with a charging paragraph, in the course of which every statutory element is fulfilled, and which, in itself, furnishes to the defendants everything to which they are entitled under the law. But, the Grand Jury, in addition to meeting the legal requirements, has gone

such further and has set forth a total of eight additional paragraphs in the course of which minute details of the conspiracy are furnished to the defendants. In light of this, a motion for a bill of particulars is wholly unreasonable and not in keeping with the spirit of the rule which is to express remedy of a bill of particulars.

Indeed, it has been held that defendants who operate in the interstices of a conspiracy are not entitled to as much guidance in preparing their defense as they have already been given here. Nigro v. United States, 32 F. 2d 707 (C.C.A. 1, 1937); United States v. Barsky, 7 F.R.D. 34 (D.C. 1947); cf. Crawford v. United States, 212 U.S. 183, 197.

The motion is unique in that no court order will by the defendants or by counsel a "technical" as the real field of the motion and the result of the information contained has been furnished to the Court.

POINT II

DEFENDANTS' DEMANDS ARE UNJUSTIFIABLE UNDER THE CONDITIONS UNDER WHICH THE AUTHORITIES HOLD A BILL OF PARTICULARS SHOULD NOT BE GRANTED.

Defendants, as demonstrated above, have completely failed to make an affirmative showing of need for the particulars requested.

[illegible] ground, it is clear that the convenience of the defendants is not the only consideration. The Supreme Court, in the leading case of Wong v. United States, [illegible], said:

> "While the rules of criminal pleading require that the accused shall be fully apprised of the charge made against him, it should, after all, be borne in mind that the object of criminal proceedings is to convict the guilty, and to [illegible] the innocent, and no technical standards of particularity should be [illegible] ...".

In the [illegible] case, the [illegible] was comparable to the present one. [illegible] for a bill of particulars was consistently denied there because the charges, [illegible] covered events and course allegedly perpetrated at many different places, on many different occasions. Nevertheless, Judge

Ryan denied the motions for bills of particulars in all respects, holding, at pages 257 and 258:

> "...affidavit or sworn statement of counsel accompanying this application; it is determined therefore only on the information therein given. ... [illegible] the defendant sufficiently to enable them to prepare for trial and defendant and plead an acquittal or conviction in bar of another prosecution for the same offense. ... Bill of particulars in criminal proceedings are not intended ... but to limit the defendant in advance of trial to the bill of particulars and to preclude the People from proceeding against them. The evidence of the prosecution consists of the acts and doings of the defendants and their confederates and accomplices; this is within their knowledge. An itemized recital of the ... would have to ... [illegible] ... trial. ... [illegible] ... upon ... part of the defendant, great latitude has always been allowed the prosecution. Limitations, if any are to be imposed, are to be set by the trial court and not by restrictions imposed in a Bill of Particulars.
>
> ... [illegible] ... the indictment may ... a recitation under oath.
>
> ... for bills are ..."

(a) ... [illegible] ... which ... to the ... [illegible] ... [illegible] ... for information, and which ... are refused. An examination of these specific demands indicates

that the defendants are inquiring not into the charges of the indictment, but rather that they are attempting to ... certain vast evidence the Government has in its possession. In United States v. Gushner, 135 F. (2d) 668 (C.C.A. 2, 1943), cert. den. 320 U.S. 215, rehearing den. 320 U.S. 808, our Court of Appeals, speaking through Judge Clark, in sustaining the denial of a motion for a bill of particulars said at page 671:

> "... the bill protects use of the device of a bill of particulars to condition that of a reasonable request for information upon the part of one who denied all knowledge ... or participation ..."

... United States v. Gould, 107 F. 2d 739, 741 ... ; Goode v. United States, ... (2d) 663 (C.C.A. 9, 1939) cert. den. 274 U.S. 619; Grover v. United States, 89 F. (2d) 139 (C.C.A. 8, 1953).

(2) The Defendants Are Not Entitled to ... Particulars which are Sought ... with respect to ... .

... all settled that where the fact sought ... within the knowledge of the defendant, the Government need not furnish them it. In view of the specific request made by defendant in this case, it is important to note that even the bill of charges in the indictment ... fact and conversation of the party charged, of which he must be in a position to have as much information

as anyone could have as to whether such acts and conversations did in fact occur, it is never essential to set out with particularity the things which he is supposed to have said or done. It may be assumed that the defendants herein know when and where they performed certain acts and are familiar with the attendant circumstances. In United States v. Gouled, supra, at page 241, this Court held:

> "....where the offense charged is one which is grounded upon the acts and the conversations of the party charged, and with and of which he must be in a position to have as much information as anybody else could have as to whether they did or did not occur, it is never essential to set out with particularity the things which he is supposed to have said or done."

No one is in a better position to know in detail what the defendants may have said or done in reference to the alleged facts than the defendants themselves. See also Evans v. U.S., supra; Rubio v. United States, supra; Denver v. United States, supra; United States v. Pierce, 245 F. 288 (N.D.N.Y. 1917).

(3) The Defendants Are Not Entitled to Particulars Which Are Evidentiary.

It is plain that this bill of particulars is sought because the defendants are interested in the evidence which the Government has, not in the charges

which it relies. This Court held last year (United States v. Dowdy (E.D.N.Y.) decided Feb. 6, 1943):

> "All of the particular [illegible] are merely evidentiary in character and the defendants are not entitled to a list of them in advance of trial."

In [illegible] v. United States, 106 F. (2d) 899, 903 (C.C.A. 6, 1939), cert. den. 309 U.S. 681; United States v. Gay, 71 F. Supp. 201 (E.D.N.Y. 1937); United States v. [illegible], [illegible] F. (D.C. [illegible] 1941), [illegible] F.

The Government cannot be forced to disclose the kind of testimony to be used. United States v. Brown, 52 F. (2d) 699 (D.C.E.D. Wash.).

The Government cannot be forced to reveal [illegible] information. [illegible] v. United States, 130 F. (2d) 1, cert. den. 317 U.S. 640; United States v. General Petroleum Corporation, supra; United States v. [illegible], et al., supra.

[illegible] motion for a bill of particulars, the granting [illegible] is addressed to the discretion of the court. It is not [illegible] bill of particulars to furnish the defendant evidentiary [illegible] to the defendant or prejudicial [illegible] limit the scope of the evidence at the trial.

Indeed, this Court has suggested that it would be an abuse of discretion to force the Government by a bill to furnish particulars such as these ought here.

United States v. Wexler, 6 F. Supp. 359 (S.D.N.Y. 1933).

[illegible]

[illegible]

Although perhaps unnecessary in view of defendants' [illegible] entitled to be told under the law, we submit for the Court's convenience the following analysis of each separate request by [illegible]:

[illegible] the motion indicates that only three particulars are requested, actually a considerable number of separate particulars are included within each one of the three requests.

[illegible] Government to furnish the particulars of the [illegible] given by [illegible] with [illegible] other words, has the Government the [illegible] claim that such testimony was false, but if it does claim that such testimony was false, to what respects it was false." (underlining ours.)

The first obvious defect in this request is that the Court is asked to order the Government to reveal the "substance" of testimony of a co-conspirator and witness before the Grand Jury.

The law to the effect that Grand Jury testimony is privileged and confidential is well established, as stated by the Court of Appeals in Goodman v. United States, 108 F. 2d 516 (C. A. 9, 1939), at p. 520:

> "Through their participation in the proceedings both grand jurors and witnesses occupy a special relationship to the state; and for reasons grounded in public policy, as we have seen, the testimony taken in these proceedings is privileged and confidential."

The Court held in the Goodman case ". . . the evidence taken before Grand Juries is confidential matter to which the accused person has no right of access." (p. 519). After a citation of authorities to support that statement, the Court continued:

> "So strict was the requirement of secrecy in this respect that anciently a grand juror who disclosed to an indicted person the evidence that had been given against him was held to be an accessory to the crime, if the crime was a felony, and a principal if the crime was treason; and later such conduct appears to have been denounced as a high misprision. 4 Bl. Com. 126; 1 Chitty Cr.L. 317. Nowadays,

> "In the absence of special statute providing a different method of punishment, a grand juror may be held in contempt for disclosing grand jury proceedings to an outsider. In re Shannon, D.C. S.D. Cal. 70 F. 703; cf. United States v. Providence Tribune Co., supra; 5[illegible] F.R.C.A. 6[illegible]."

[illegible] rights were entitled to learn of Gold's Grand Jury testimony, it would seem that the appropriate procedure would have been by a motion for inspection of the grand jury testimony. A person [illegible] to 'disclose' of the testimony of a witness before the grand jury appears to be wholly improper.

It, while [illegible] that the last is true, it is not only [illegible] the authorities have held and equally persuasive in calling for the denial of the motion. What Gold's [illegible] that was, and whether or not it was in [illegible], was not known to or relevant to the [illegible] and in the indictments. The extent of Gold's testimony is not in issue. What is in issue are the acts of the defendants in connection with the grand jurors by inducing [illegible] the

Grand Jury espionage investigation by unlawful acts and conversations with Gold. [illegible] of the indictment is found in the conduct of the defendants and not in [illegible] Gold actually told the Grand Jury.

The request that the Government be ordered to state "in what respects" Gold's Grand Jury testi- [illegible] false, as well as any [illegible] in the entire [illegible], [illegible] call for the production of Gold's testimony, come within the prohibited category of relating to the Government's evidence in advance of trial, and on the testimony of [illegible]. [illegible] v. [illegible]; [illegible] v. [illegible], [illegible], [illegible].

The second request, in the course of which defendants ask that the Government tell them "in [illegible] ", advised and persuaded Gold to [illegible], [illegible] and [illegible] of requests [illegible] said "who [illegible]". [illegible] v. [illegible], [illegible]. [illegible] now held:

> ". . . where the offense charged is one which is grounded upon the acts and conversations of the party charged, and with and of which he must be in a position to have as much information as anybody else could have as to whether or not they did or did not occur it is never essential to set out with particularity the things which he is supposed to have said or done."

Further, this second request calls for the Government's evidence, and is of the type found in Sawyer v. United States, 89 F. 2d 130, (C.A. 8, 1947), where the Government was asked to reveal the details of "well-nigh every move made and act done by each of the co-indictees." A bill of this type was branded "a hybrid of impudence and outlandishness" that "wholly loses sight of the object of a bill of particulars" by the Court of Appeals in the Sawyer case at p. 140.

The third and final request of defendants asks for the exact date on which Gold testified before the Grand Jury and also whether the Government claims the defendants committed any acts in furtherance of the alleged conspiracy after the date on which Harry Gold testified as aforesaid, and if so, what acts."

Obviously, this request again calls for facts peculiarly within the knowledge of the defendants themselves and facts which are the Government's evidence. The holdings in United States v. Sawyer, supra, and United States v. Rubinstein, supra, are directly applicable to this request. It might be pointed out that as to acts of the defendants, four overt acts are set forth following the conspiracy count of the indictment, three more than are necessary under the law. This request, as well as the prior ones, make it plain that the bill is not a "reasonable request for information upon the part of one who denied all knowledge . . . or participation . . . ", and should lead this Court to find, in the words of Judge Clark, that ". . . the bill partook more of the nature of a fishing expedition." United States v. Inchnay, supra, p. 674.

As to the request for the exact date on which Gold testified before the Grand Jury, the second overt act set forth following the conspiracy count states that in furtherance of the conspiracy "Harry Gold testified before the aforesaid Grand Jury, on or about the 31st day of July, 1947." The defendants are certainly entitled to nothing further on this point.

CONCLUSION

The adequacy of the instant indictment to acquaint the accused with the charges and to enable them to plead former jeopardy cannot be seriously challenged. To this effect, it may be noted that this Court on October 22, 1949, in analogous circumstances, in the case of United States of America v. Foster, et al., C 126-49, denied in all respects motions for bills of particulars in a situation favoring the entertainment of such a motion to a degree far greater than the instant one. In the Foster case, the trial of the eleven Communist leaders, the issues presented were far more involved than those here. Further, in the Foster case there were twelve defendants, whereas in the instant proceeding there are but two defendants. The matters involved in the Foster indictment are undeniably far more complicated than those with which we are here concerned. Nevertheless, the motions were in all respects denied. The opinion of this Court in that case is compelling here, and is grounded on persuasive authority.

An examination of the particulars here requested proves opposite the language of this Court in refusing the particulars sought in the Foster case:

"The conclusion is irresistible that rather than seeking particulars of the evidence charged in the indictments, it is sought by these motions to discover in advance of the trial, the Government's evidence and to limit the Government in its proof. This is not the function of a bill [illegible], and it cannot be accomplished [illegible]." U.S. v. Foster, supra.

The decision of Judge Ryan in the Rabinowitz case, supra, is in direct accordance with the holding in the [illegible] case, and it is respectfully submitted that [illegible] should be followed [illegible] in denying the instant motion in all respects.

Respectfully submitted,

United States Attorney for the
Southern District of New York,
Attorney for United States of
America

Special Assistant to the Attorney General,

Of Counsel.

(Copy)

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK

----------x

UNITED STATES OF AMERICA,

C 133-106

-v-

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ,

Defendants.

----------x

S I R :

PLEASE TAKE NOTICE, that the undersigned will move this Court at the United States Court House, Foley Square, in the City of New York, County and State of New York, on the 11th day of September, 1950, at 10:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order requiring the United States to furnish the defendants herein, within a time to be specified therein, a written bill of particulars as to the following matters alleged in the indictment herein, as follows:

1. State the substance of the testimony given by Harry Gold before the Grand Jury with respect to the associations of Harry Gold with the defendants and with divers other persons, and let the Government state whether it claims such testimony was false, and if it does claim that such testimony was false, in what respects it was false.

2. State in what respects, and by what means the defendant, Abraham Brothman, urged, advised and persuaded Harry Gold to give false testimony before the Grand Jury.

3. Give the exact date on which Harry Gold testified before the Grand Jury, and state whether the Government claims the defendants committed any acts in furtherance of the alleged conspiracy after the date on which Harry Gold testified as aforesaid, and if s what acts.

Dated: New York, September 5, 1950,

Yours etc.

WILLIAM L. MESSING
Attorney for Defendants
Office & P.O. Address

TO: IRVING H. SAYPOL, Esq.
United States Attorney
Foley Square
New York City

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 10-11-50

ARSAKY ZEOTHIAN

100-95068-1B
(Title of case)

Submitted by Special Agent T.Z.OELLER

Source from which obtained AUSA ROY COHN

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE HELD AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit WITAU

List of contents:

42. Opinion filed 10-11-50 denying motion for bill of particulars.

26
100-95068-1B

#18935

United States District Court
for the
Southern District
of
New York

UNITED STATES OF AMERICA,

-v-

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ,

Defendants.

OPINION

EDWARD WEINFELD, D. J.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

C 133-106

ABRAHAM BROTHMAN and MIRIAM MOSKOWITZ,

Defendants.

This is a two count indictment. The first count charges conspiracy on the part of the defendants Abraham Brothman and Miriam Moskowitz. It alleges that between May 28th, 1947 and June 12th, 1950 they and one Harry Gold, a co-conspirator, but not named as a defendant, and other persons unknown to the Grand Jury, conspired to defraud the United States in the exercise of its governmental function of administering and enforcing the criminal laws of the United States and to influence and obstruct and impede the due administration of justice in violation of Title 18, United States Code, Section 241 (1946 Ed.).

Under this count it is further alleged that during the period of the conspiracy a Grand Jury for the Southern District of New York was conducting an investigation of possible violations of espionage and other Federal criminal statutes, which the defendants well knew. The indictment amplifies the

general charge by alleging four specific purposes as part of the conspiracy, as follows:

(1) The defendant, Abraham Brothman, and Harry Gold, the co-conspirator not named as a defendant in the indictment, would agree upon fictitious explanations of their associations with each other and divers other persons;

(2) When the defendant, Abraham Brothman, appeared before the Grand Jury, he would give false, fictitious, fraudulent and manufactured information concerning the aforementioned associations;

(3) Abraham Brothman would inform Harry Gold of the substance of his testimony before the Grand Jury, for the purpose of enabling the latter to conform his testimony thereto; and

(4) When Harry Gold appeared before the aforesaid Grand Jury he would give false, fictitious, fraudulent and manufactured information concerning the aforementioned associations, which would conform to the information theretofore given to said Grand Jury by the defendant, Abraham Brothman.

Thereafter the indictment sets forth four overt acts in pursuance of the conspiracy and to effect the objects thereof.

The second count charges that the defendant Brothman

on July 31st, 1947, corruptly endeavored to influence, intimidate and impede Harry Gold, a witness before a Grand Jury in the Southern District of New York, and did corruptly influence; obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice therein. The general charge of obstruction is amplified by a charge that the defendant, knowing that Harry Gold had received a subpoena to appear before the Grand Jury inquiring into possible violation of the espionage laws, urged, advised and persuaded him to give false testimony before said Grand Jury. (Title 18, United States Code, Section 24, 1946 Edition).

The defendants moved for an order, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, directing the service of a bill of particulars of three specific items. They seek (1) the substance of the testimony given by Harry Gold before the Grand Jury with respect to his associations with the defendants and divers other persons, and whether the Government claims such testimony was false, and if so, in what respects; (2) the means by which it is alleged defendant Brothman urged, advised and persuaded Harry Gold to give false testimony before the Grand Jury; and (3) the exact date on which Gold testified before the Grand Jury and whether the Government claims the defendants committed any acts in furtherance of the alleged conspiracy after the date on which Gold testified, and if so, what acts.

Rule 7(f) which is substantially a restatement of existing law on bills of particulars in criminal cases, authorizes the Court to direct the filing of a bill "for cause".

The requirement of an indictment is that (1) it shall advise the defendant of the nature and cause of the accusation in order that he may meet it and prepare for trial, and (2) after judgment be able to plead the record and judgment in bar of a further prosecution for the same offense. Wong Tai v. United States 273 U. S. 77; Bartell v. United States 227 U. S. 427, 431.

Sufficient cause is shown if the indictment fails to meet the foregoing requirements. In the instant case no affidavit of either defendant or the attorney representing them was submitted in support of the motion. No claim is made that the information enumerated in the motion is necessary to enable the defendants to prepare for trial and to meet the Government's case. On the contrary, when questioned by the Court upon the argument, counsel readily acknowledged that such was not the purpose of the motion. Thus there is eliminated any "cause" based upon a need for the particulars in preparation for trial and to avoid surprise thereat. Counsel's contention, however, was that the particulars are required to protect the defendants' rights against double jeopardy in the event of a conviction or an acquittal. Thus the claim of "cause" required before the motion may be granted is narrowed and is to be determined from the indictment.

Both counts of the indictment, the details of which are stated above, appear sufficiently clear and definite, the one charging the defendants with conspiracy to defraud the United States in the exercise of its governmental function in enforcing its criminal laws and to influence, obstruct and impede the administration of justice, and the other, charging Brothman with endeavoring to influence, intimidate and impede a witness and to obstruct the due administration of justice, to protect the respective rights of the defendants in bar of a further prosecution for the same offense upon a conviction or acquittal.

The indictment in the charging clause sets forth the specific violations of the particularly cited statute in substantially the statutory language. Ordinarily, an indictment in this form is sufficient. United States v. Kushner 135 Fed. (2d) 668. In the instant indictment the basic charge of violation of the statute is amplified in each count by giving information and particulars beyond that required to be stated. (Rule 7(c), Federal Rules of Criminal Procedure.) The conspiracy charge is elaborated and specified in five succeeding paragraphs prior to the allegations containing the overt acts.

So, too, in the case of the substantive count against the defendant Brothman. The indictment in its charging paragraph sufficiently meets the requirements of law; and here,

too, the Grand Jury amplified the charge by setting forth in three succeeding paragraphs details which essentially give the defendant particulars as to the nature of the offense and the crime charged.

To grant this motion would require the Government to furnish its evidence to the defendants in advance of trial. Moreover, in view of the request for the testimony of Harry Gold before the Grand Jury, it would mean more than directing the filing of a bill of particulars. It would be tantamount to granting a partial inspection of the Grand Jury minutes. While the Court has the power to do so, it should rarely be exercised. No sufficient reason has been shown to justify it in this instance.

The motion is denied in all respects.

Dated: October 10th, 1950.

U.S.D.J.

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 10-12-50

ABRAHAM BROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent J.M. COLLINS

Source from which obtained PHOTO LAB

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE HELD AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

43. Negative of Abraham Brothman's 1933 Columbia U. photo.

Destroyed 2/12/52
Collins

100-95068-27

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 6-1-50

ABRAHAM BROTHMAN,

100-95068-1B
(Title of case)

Submitted by Special Agent JOHN M. COLLINS

Source from which obtained JOHN M. COLLINS

Address

Purpose for which acquired EVIDENCE

Location of bulky exhibit IN SAFE IN VAULT

Estimated date of disposition TO BE RETAINED AS PERMANENT PART OF FILE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

124. Notes of SAS W.W. McGuinn and J.C. Walsh recording serial numbers of bills amounting to $ 7700 posted as part of bail for Abraham Brothman by Naomie Brothman.

45. 5 photostatic copies of check amounting to $ 17,700 payable to order of Naomi Brothman. Received from [illegible] by M. Cohn.

100-95068-1B
128

NEW YORK SEP 1 1950 19 No. 14828

CHARTERED 1799

Bank of the Manhattan Company

1-2
210

83

PARK AVENUE AT 32ND STREET

&

PAY TO THE ORDER OF Naomi Brotman — $17800 00/100

17.800 DOLS 00 CTS

DOLLARS

Edward J. Dunkle

COUNTERSIGNED

Robert H. Buchan

AUTHORIZED SIGNATURE

NEW YORK SEP 1 1950 19 No. 14828

CHARTERED 1799

Bank of the Manhattan Company

1-2
210

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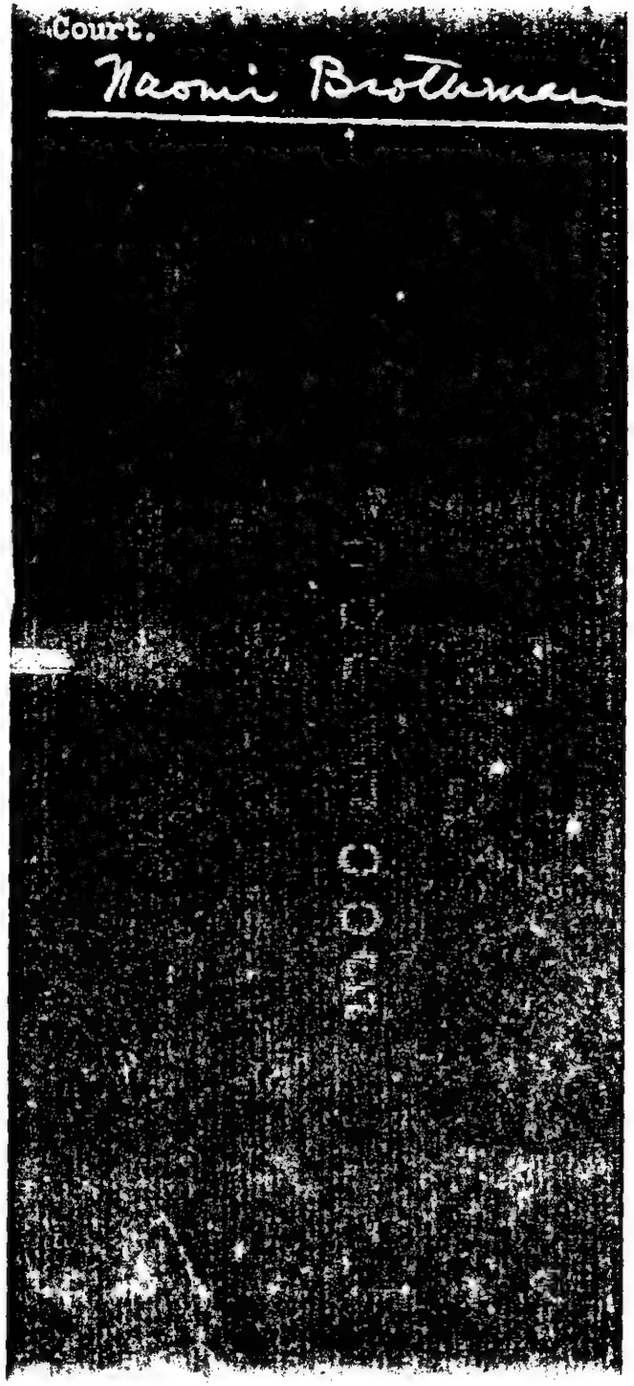
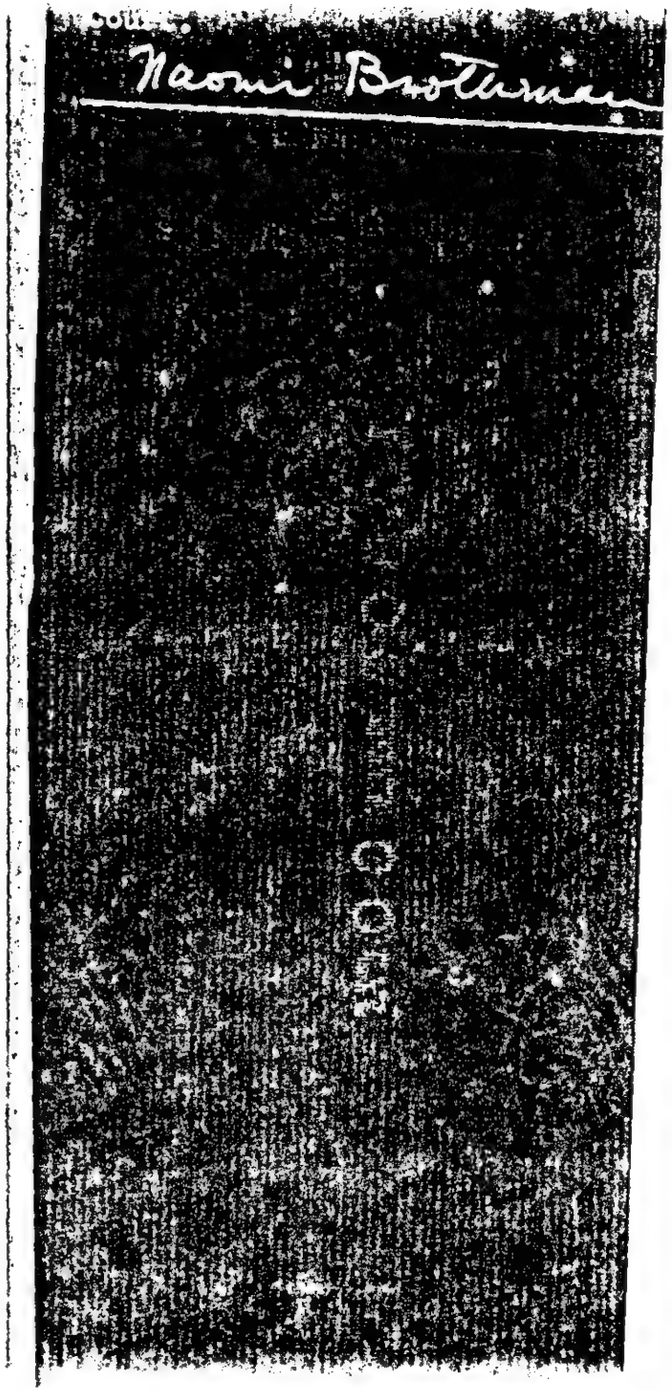
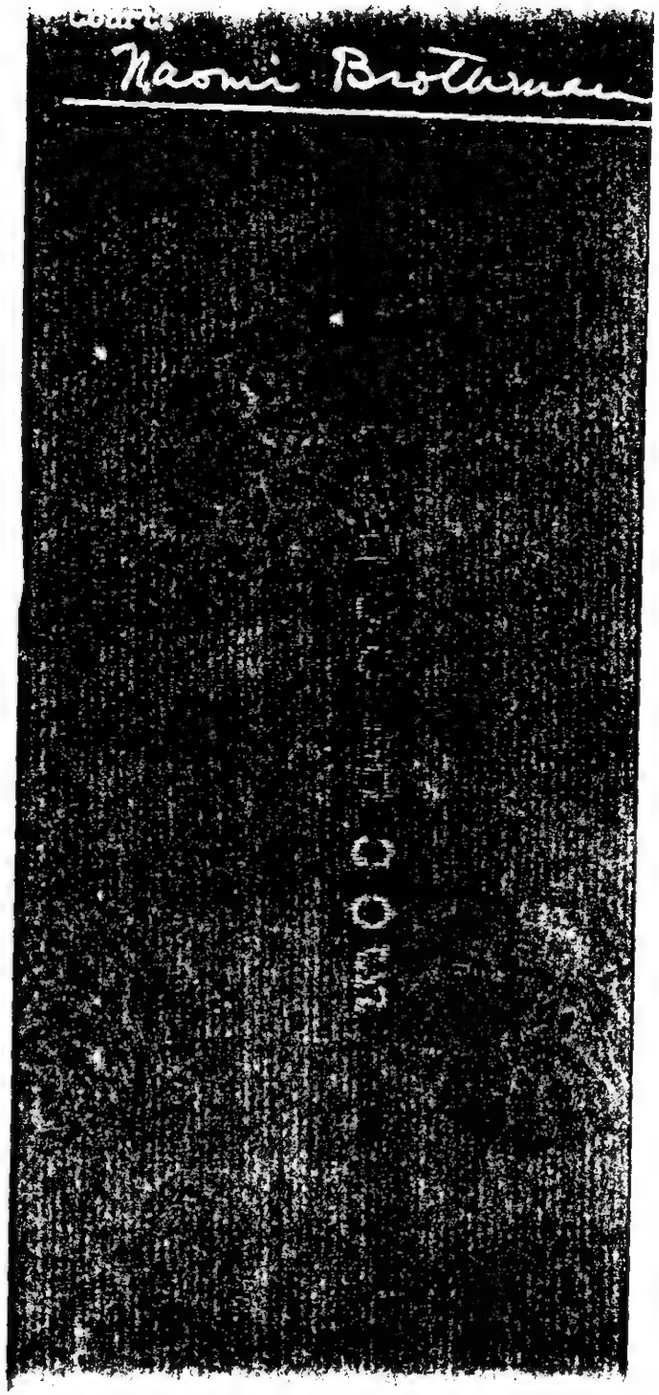
Robert H. Buchan

AUTHORIZED SIGNATURE


Court.
Naomi Brotman


Naomi Brotman


Naomi Brotman

NEW YORK SEP 1 1950 19 No. 14828

CHARTERED 1799

Bank of the Manhattan Company

1-2
210

83

PARK AVENUE AT 32ND STREET

PAY TO THE ORDER OF Naomi Brotman — $ 17.800 00/100

* 17.800 DOLS 00 CTS

DOLLARS

Edward J. Dmokus

COUNTERSIGNED

Robert H. Burton

AUTHORIZED SIGNATURE

NEW YORK SEP 1 1950 19 No. 14828

CHARTERED 1799

Bank of the Manhattan Company

1-2
210

83

PARK AVENUE AT 32ND STREET

PAY TO THE ORDER OF Naomi Brotman — $ 17.800 00/100

* 17.800 DOLS 00 CTS

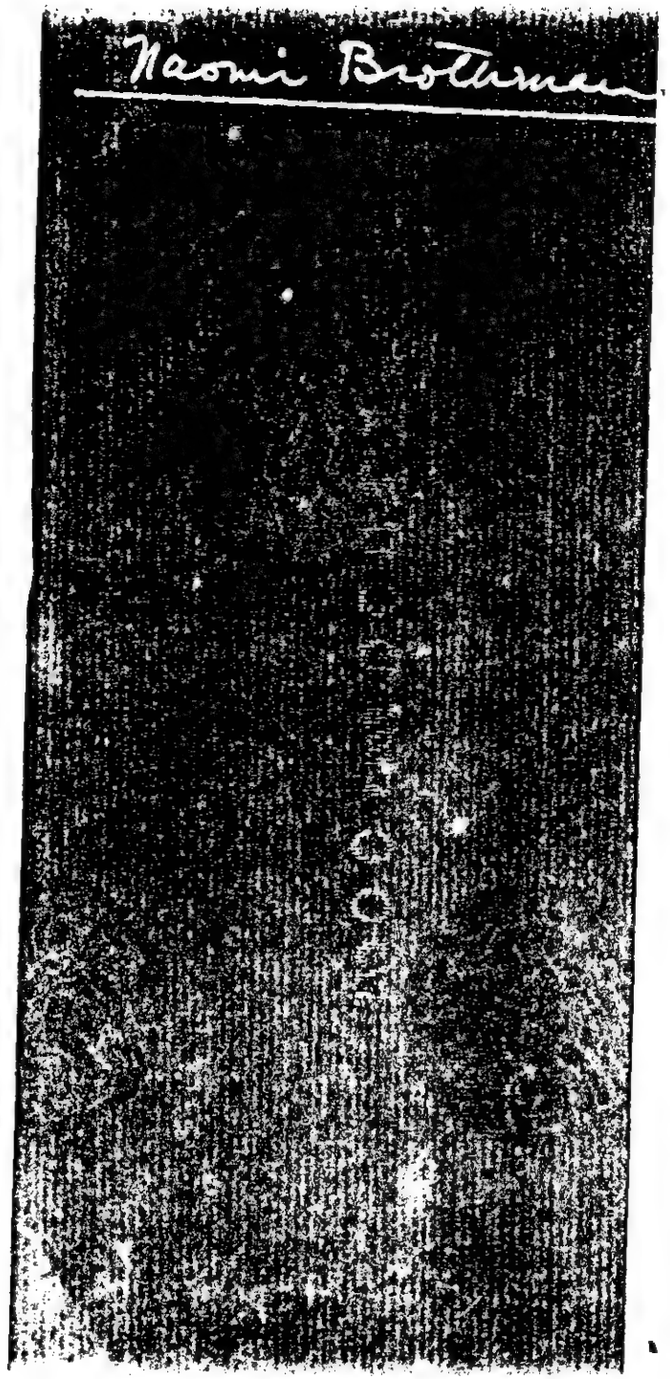
DOLLARS

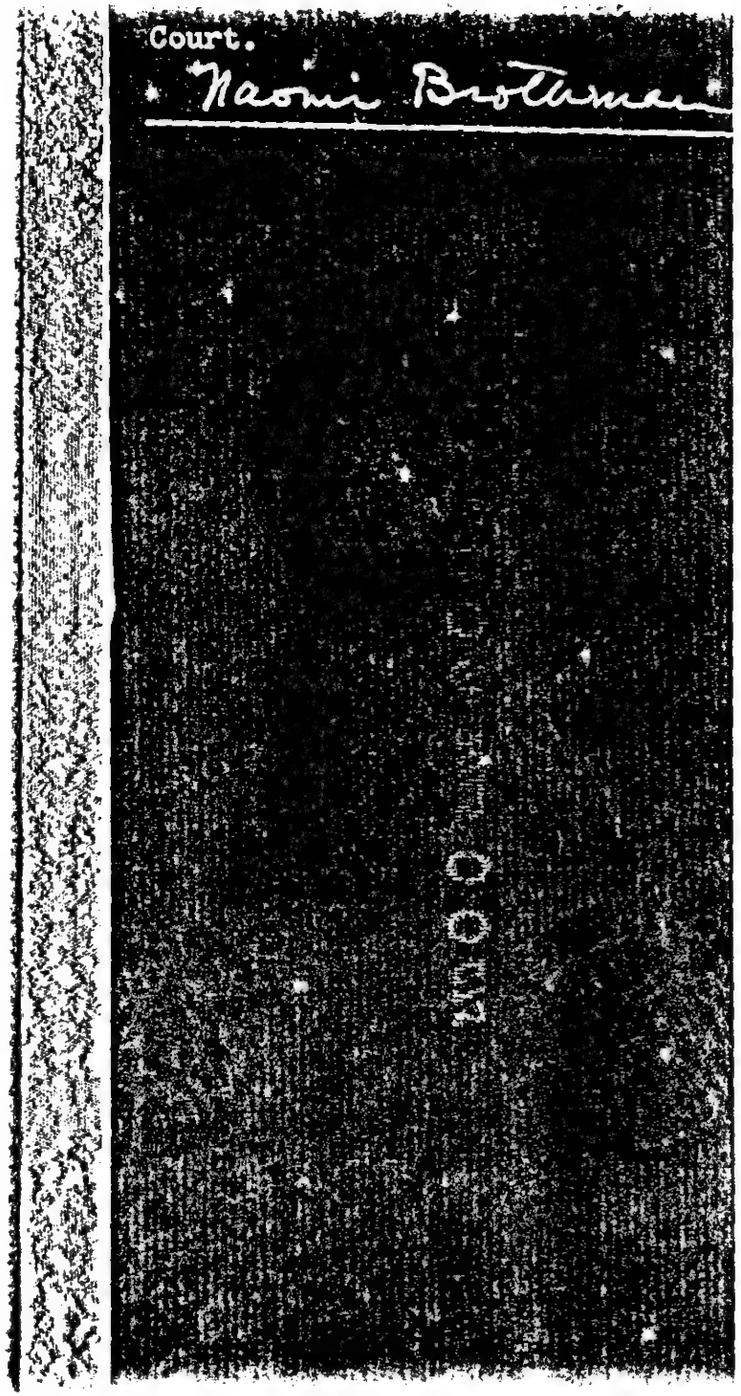
Edward J. Dmokus

COUNTERSIGNED

Robert H. Burton

AUTHORIZED SIGNATURE


Naomi Brotman


Court.
Naomi Brotman
COURT

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 9-14-50

[redacted]

100-95068-1B
(Title of case)

Submitted by Special Agent [redacted]

Source from which obtained [redacted]

Address 115 Dobbins St. [redacted]

Purpose for which acquired [redacted]

Location of bulky exhibit [redacted]

Estimated date of disposition [redacted]

Ultimate disposition to be made of exhibit [redacted]

List of contents:

46. Photostatic copy of statement of A.P. [illegible]ber dated 11-15-44.
47. Photostatic copy of letter dated 4-2-45 from John [illegible] Halpin.
48. Photostatic copy of letter dated [illegible]-11-50 from [illegible].P. [illegible]ber.
49. Photostatic copy of agreement dated 8-24-43 between [illegible]ral Chemical Corp. Brotman and [illegible]ber.

29

100-95068-1B

[redacted]

B

Statement of
A. P. WEBER

November 15,1944

After receiving my chemical engineer's degree in February, 1941, I was employed by the Hendrick Manufacturing Company of Carbondale, Pa. in their New York office at 30 Church Street. Also employed by this company, and in my department, was Mr. A. Brothman. I worked there with him in the design of chemical equipment and chemical plants which the company built.

In June of 1942 we both left the Hendrick Manufacturing Company to go into business with a third party, Mr. H. A. Golwynne. Mr. Golwynne was a business man, not an engineer. We incorporated under the name of "The Chemurgy Design Corporation" and maintained offices at 420 Lexington Avenue, New York City. The general work of this company was consulting engineering, mathematical analyses, chemical process development, chemical equipment design, chemical plant design, chemical equipment and plant fabrication, erection, construction and initial operation.

Also working with us at the Hendrick Manufacturing Company was Mr. A. E. Blake, a salesman for the company. Mr. Blake later was employed by the engineering firm of Corrigan, Osburn & Wells. Corrigan, Osburn & Wells were retained by Mr. Heilig as consulting engineers for a contemplated aerosol dispenser filling plant. Corrigan, Osburn & Wells did not give the Regal Chemical Corporation (Heilig's firm) the services required to get a plant built expeditiously, and were subsequently dropped by Regal as consultants. Mr. Blake then left Corrigan, Osburn & Wells for employment with the Regal Chemical Corporation. Mr. Blake then mentioned to Mr. Hilig that "Mr. Brothman and Mr. Weber were chemical engineers who might be able to help" him with his aerosol dispenser filling plant problems. After some talks with Mr, Hilig we were retained as employees by the Regal Chemical Corporation, in August 1943. This work was extra-curricular, insofar as it was separate employment from our work with The Chemurgy Design Corporation.

We entered into a written agreement with Mr. Heilig on August 14, 1943. This agreement covered the work we were to do for the Regal Chemical Corporation in the designing, engineering and developing of a plant, for the hand filling and automatic filling of aerosol insecticide dispensers. It should be noted that all data required by us for our designs was furnished to us by the Regal Chemical Corporation who in turn was given the information, confidentially, I believe, by the U.S. Navy. The contract provided that our work was to be done exclusively for Regal and was to terminate on April 15, 1944.

Before our contract with Regal expired Mr. Heilig learned that the armed forces were contemplating the use of DDT as one of the ingredients in the Aerosol insecticide bomb. Insofar as Regal was now actively engaged in the aerosol filling program, Mr. Heilig thought it would be "good business" to learn how to manufacture DDT.

In October of 1943 Mr. Brothman and I agreed to collaborate with Mr. Heilig on his proposed plant for the manufacture of DDT. Mr. Heilig was to pay all fees, salaries for ourselves and additional engineers and chemists, and other expenses which would come up in this connection. The work was to be carried on under the direction of Mr. Brothman and myself. Mr. Heilig hired Mr. Benton Gibbs and Mr. Sidney Feldman, to work as chemists for him on the DDT development program.

In December, 1943, Mr. Heilig arranged that Mr. Brothman and I visit the Department of Agriculture Experimental Station at Beltsville, Maryland, to visit with Dr. Goodhue, Dr. Haller and Dr. Fleck, in the Bureau of Entomology and Plant Quarantine, to learn what we could about the manufacture, the handling, and the uses of DDT as an insecticide. Prior to our visit neither Mr. Brothman nor I knew anything about DDT. In fact, we weren't even sure what the code letters "DDT" actually meant.

Mr. Heilig did not have laboratory space in his plant at Brooklyn and Mr. Brothman agreed to allow him to make use of the Chemurgy laboratory, which was at 114 East 32nd Street, Manhattan. (This arrangement continued until March, 1944) Mr. Heilig was to pay all the necessary

expenses incurred by Mr. Gibbs and Mr. Feldman while they were working there on the DDT program; this included the purchase of equipment, chemicals and anything necessary to do the necessary work.

Mr. Brothman, Mr. Gibbs, Mr. Feldman and I all contributed to the development of a DDT process. No one of the four men can claim the process as being his own without deliberately falsifying the facts.

Brothman and I had a verbal understanding with Mr. Heilig that this work would be done by us for him and Tedlee Chemical Corporation and would not be divulged to anyone.

In about April of 1944 Mr. Brothman and I thought that because of the additional work burden we assumed with DDT that our compensation from Mr. Heilig should be increased. These "compensation" talks led to some squabbles between Mr. Heilig and ourselves, and on June 8, 1944 we submitted letters of resignation to Mr. Heilig, as employees of the company. Subsequently Mr. Heilig agreed to increase our salaries, practically double them, and these letters of resignation were rescinded.

By the early part of June, 1944 we had carried out the DDT development work to such a state that Mr. Heilig was about ready to apply for WPB approval to go ahead with the construction of a plant for the manufacture of 200,000 pounds of DDT per month. After making application to WPB, Mr. Emile Weinberg, Manager of the WPB in Brooklyn, visited the Tedlee Chemical Corporation's plant, and met with Mr. Heilig, Mr. Brothman, and myself. The specific purpose of the visit was to meet and talk with the engineers who would be charged with seeing this plant through to completion, which he hoped would be at the earliest possible date insofar as DDT was very critical at the time and was on the Army's list of "musts." Mr. Brothman and I, at the meeting with Mr. Weinberg, agreed to do everything possible to see the DDT plant program through with the greatest possible dispatch, and on June 21, 1944, I wrote to Mr. Weinberg on behalf of Mr. Brothman and myself assuring him that our fullest cooperation would be extended to the Regal Chemical Corporation, & Tedlee Chemical Corporation

as concerns their DDT program. Mr. Brothman, in a separate letter dated June 21, 1944 to Mr. Heilig, extended his considered assurance that he would continue to give Mr. Heilig's projects his closest and most deligent attention, in accordance with his conversation with Mr. Heilig and Mr. Weinberg.

When Mr. Heilig learned that the WPB was to grant him approval to go ahead with the construction of a DDT plant he asked Mr. Brothman and me to extend our verbal agreement with him concerning the exclusive nature of DDT with his company to a written agreement. On June 28th I signed such an agreement with the Regal Chemical Corporation and Tedlee Chemical Corporation, while Mr. Brothman reneged on the verbal promises that he had made to Mr. Heilig to do the same thing.

Mr. Brothman refused to commit himself in writing, and in view of the fact that his stand in this matter was so obstinate and flippant, Mr. Heilig was forced to dispense with the services of Mr. Brothman. I was left to carry the technical burden of the DDT plant engineering alone. Mr. Heilig extended to me all possible cooperation in the form of employees, office space and convenience of time schedule.

It should be pointed out that Mr. Heilig rented office space at 55 W. 42nd Street to be used as engineering offices on the DDT program, which were originally requested by Mr. Brothman as a convenience for him so that he did not have to travel to Brooklyn to Mr. Heilig's plant to do his work.

In October of 1944 Mr. Callaham, Assistant Editor of Chemical and Metallurgical Engineering, a McGraw-Hill Periodical, in cooperation with Mr. Brothman, published a paper on the method of manufacture of DDT, which not only covered specific chemical processing conditions and specific equipment sizes and hook-up, but estimated the cost of a plant to produce 200,000 pounds of DDT per month and listed manufacturing costs according to the process which was described. The described process was the process that had been developed by Messrs. Gibbs, Feldman, Brothman and myself for the Tedlee Chemical Corporation. Mr.

Brothman, in divulging this process broke a trust and verbal agreement that he had had with Tedlee Chemical Corporation concerning the exclusive nature of the process as belonging to Tedlee.

In the article Mr. Brothman called the DDT process his own, stated that in the latter part of 1943 he was working for the Graver Tank & Manufacturing Company of East Chicago, Indiana, on DDT, that the plant had been proven in pilot plant operations the early part of 1944, and that in a short while a plant to produce DDT by these methods would be put into operation by a large chemical company.

It is my considered opinion that in disclosing the information which appeared in the article, Mr. Brothman, firstly, broke a verbal trust which he had with the Tedlee Chemical Corporation, secondly, he approperiated as his own, ideas and designs which were not exclusive with him, and thirdly, that he had violated the Written Code of Ethics of the American Institute of Chemical Engineers by his actions.

It is further my opinion that the DDT process developed by Messrs. Gibbs, Feldman, Brothman and myself is exclusively the property of Tedlee Chemical Corporation.

In connection with the question of conception of the DDT process and equipment, weekly technical committee meetings were held at the Tedlee plant by all of the technical employees of the company (I was chairman of the committee) and the DDT process development program was a major part of our weekly business. During these meetings the different members of the technical committee reported on and discussed the DDT process and plant design as it was progressing, and are in a position to testify to the fact that the process was not exclusively conceived of by Mr. Brothman or any other single individual. The minutes of these meetings are available for the record.

Many times in private conversations that I had had with Mr. Brothman, I pointed out to him that his stand and his actions in connection with Tedlee's work were highly irregular and non-professional, and that I did not want to be a party to his chicanery. I suspected that he was going to attempt to work with DDT and extend the knowledge to others that he had gained while in Tedlee's employ, and that he was

going to misuse the information and knowledge that he had acquired confidentially.

Mr. Brothman's refusal to sign a written agreement with Tedlee was an indication to me that he had ulterior motives in refusing to sign. Because of Mr. Brothman's stand I was forced to "break" my connection with him. I believed that being known as an associate of his would be a bad reflection upon me.

I subsequently learned that not only had he ulterior motives with the Tedlee Chemical Corporation, but he had carried out certain inconsistencies in connection with our business at the Chemurgy Design Corporation.

Shortly following his dismissal by Tedlee he was dismissed as an officer, director and employee of the Chemurgy Design Corporation.

Law Offices
Halpin, Keogh & St. John

John J. Halpin
Eugene J. Keogh
Edward F. St. John
J. Vincent Keogh
Stephen Waller

Alice B. Baldridge
Charles J. Dinn
John E. Quinn

30 Rockefeller Plaza
New York 20, N. Y.
Circle 7-4640

April 2, 1948

Tedlee Chemical Corporation
115 Dobbin Street
Brooklyn 22, New York

Gentlemen:

A. P. Weber came to my office two or three times during the fall of 1944. On at least two of these occasions I think he came around six o'clock in the evening and remained for several hours. I dictated a statement from him with reference to his services and those of Mr. A. Brothman. Inasmuch as Mr. Weber's statement was dictated after hours, he did not wait to have it transcribed, and my recollection is that it was either sent to him or delivered to him some time shortly after it was dictated. He had to read it over and make such corrections as were necessary to make the statement accurate in accordance with his version of it.

A copy of the statement as originally prepared by me and a copy of the statement as corrected by Mr. Weber and returned to us are enclosed herewith, my dictated statement being marked "A" and Mr. Weber's corrected statement being marked "B".

Very truly yours,

John J. Halpin

JJH:M

Telephone ESplanade 5-7564

ARTHUR P. WEBER
Consulting Engineer
1775 EAST 18th STREET
Brooklyn 29, N. Y.

CHEMICAL RESEARCH
DEVELOPMENT
PROCESS EQUIPMENT DESIGN
COMPLETE PROCESS PLANTS DESIGN
MACHINE DESIGN
MATHEMATICAL ANALYSIS

August 11, 1945

Mr. E. Norman Clarke
Teller Chemical Corporation
115 Dobbin Street
Brooklyn, 22, New York

Dear Norm,

Attached please find the rough draft of the DDT patent application. My comments have been noted on the text itself. However, this is not the whole story. This application covers the manufacture of DDT starting from chloral. Mr. Workman still has to prepare an application for the chloral process.

Please advise Mr. Workman to go full speed ahead so the patent application can be executed in September, at the latest. Application before October will be insurance against any possible trouble due to the Boothman article.

APW

AGREEMENT

This Agreement made this 14th day of August, 1943, by and between Regal Chemical Corporation, a New York Corporation hereinafter referred to as Regal, and Messrs. A. Brothman and A. P. Weber of Long Island City and Brooklyn, New York respectively, hereinafter referred to as Brothman-Weber.

* * * * * * * *

1. Whereas Regal is desirous of operating a business devoted primarily the filling of Aerosol Insecticide Bombs employing both Hand Filling and Automatic Filling methods

   and

2. Whereas Brothman-Weber conduct a business devoted to consulting engineering and to the designing, engineering, and development of Chemi Process Equipment and complete Chemical Process Plants

   and

3. Whereas Brothman-Weber represent that they possess the skills requir by Regal in the development of the business operated by Regal as per 1, above,

Now, therefore, Brothman-Weber agree:

a. To serve Regal in the capacity of Consulting Engineers in the design engineering, and development of a Chemical Process Plant for the Hand Filling and Automatic Filling of Aerosol Insecticide Bombs

b. To render to Regal such engineering calculations as are required to prove Brothman-Weber's recommendations to Regal or its associates

c. To provide, where ~~necessary~~ REQUIRED, flowsheets indicating unit operations i processing. Sequences of such flowsheets are to be in sufficient deta to indicate the required sizes and capacities of unit items of equip ment which enter into the process. Such flowsheets are to indicate, where required, optimum layouts and methods of achieving the flow between the units carrying out the various unit operations

d. To carry out such engineering correspondence with and on the station of Regal as will be directed by Regal in connection with the above

e. To render such assistance to the Aerosol Insecticide business of Reg if and as requested by Regal, through future publications in technic journals as will be of common interest

f. During the life of this agreement not to compete with Regal in the marketing or selling of Aerosol Insecticide Bombs nor shall Brothman-Weber render a similar service to that described above for any other company operating in the field as described in, 1, above; it being understood, however, that the aforementioned restriction is not to operate to restrain Brothman-Weber from designing, engineering, and developing such Chemical Process Equipment as may prove to be an int portion of any other complete Chemical Process Plant project which

Brothman-Weber may be handling either in the capacity of a consultant or a contractor

Regal agrees:

a. To pay Brothman-Weber a retaining fee or compensation of $400.00 per month, same to be paid on the first day of each month, except for the first two months of the term hereof during which the compensation shall be $50.00 per month; it being understood that Brothman-Weber are to devote two, eight hour working days or sixteen hours in each week in their capacity of Consulting Engineers to Regal

b. To furnish Brothman-Weber with necessary stationery, tracing paper, drafting equipment and facilities, etc. in Regal's premises; and to pay Brothman-Weber's bills for any blueprints or photostats that may have to be made in connection with the services and work to be rendered to Regal

c. To pay Brothman-Weber's bills rendered for necessary travelling expenses when Regal has asked the assistance of Brothman-Weber in any special connection requiring travel

d. To pay Brothman-Weber for additional drafting assistance when in Regal's opinion the burden of work has increased to the extent that such assistance is required

e. That in the event that either Brothman or Weber is called by Selective Service to serve in the armed forces of his country, or if either is rendered incapable by illness or death the agreement shall continue in full force with the remaining party

Both Parties agree:

a. That all tracings, blueprints or other facsimilies showing designs made by Brothman-Weber for Regal are exclusively Regal's property

b. That this Agreement shall be for eight months starting August 16, 1943 and ending April 15, 1944. To contact each other approximately 30 days before the termination of the agreement with regard to a continuance of the Agreement for an additional period

c. That all questions not specifically dealt with within the context of this agreement shall be decided upon the written Code of Ethics of the American Institute of Chemical Engineers

By: Theodore Heilig Witness: J. Wilson

Theodore Heilig, Pres.
Regal Chemical Corporation
115 Dobbin Street, Brooklyn, N. Y.

By: Abraham Brothman Witness: Emil Bonnet

A. Brothman
41-08 42nd St., Long Island City, N. Y.

By: Arthur P. Weber Witness: Emil Bonnet

A. P. Weber
1775 East 18th St., Brooklyn, N. Y.

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 10-19-50

[redacted]

100-95068-1B
(Title of case)

Submitted by Special Agent [redacted]

Source from which obtained [redacted]

Address [redacted]

Purpose for which acquired [redacted]

Location of bulky exhibit [redacted]

Estimated date of disposition [redacted]

Ultimate disposition to be made of exhibit [redacted]

List of contents:

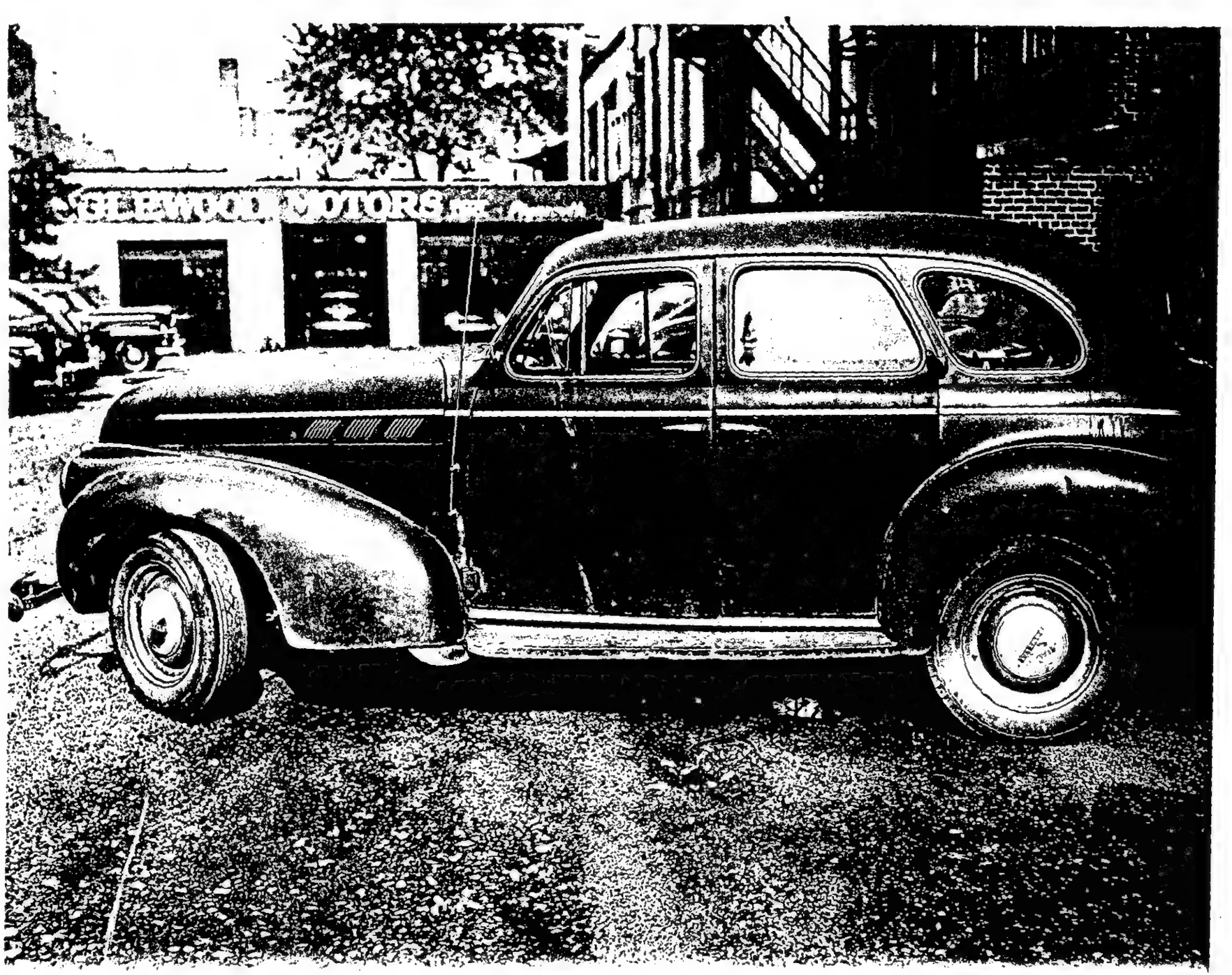
50. 6 photographs and 6 negatives of subject's 1940 Pontiac Sedan.

30

100-95068-1B

[redacted]


DUNLOP
TIRES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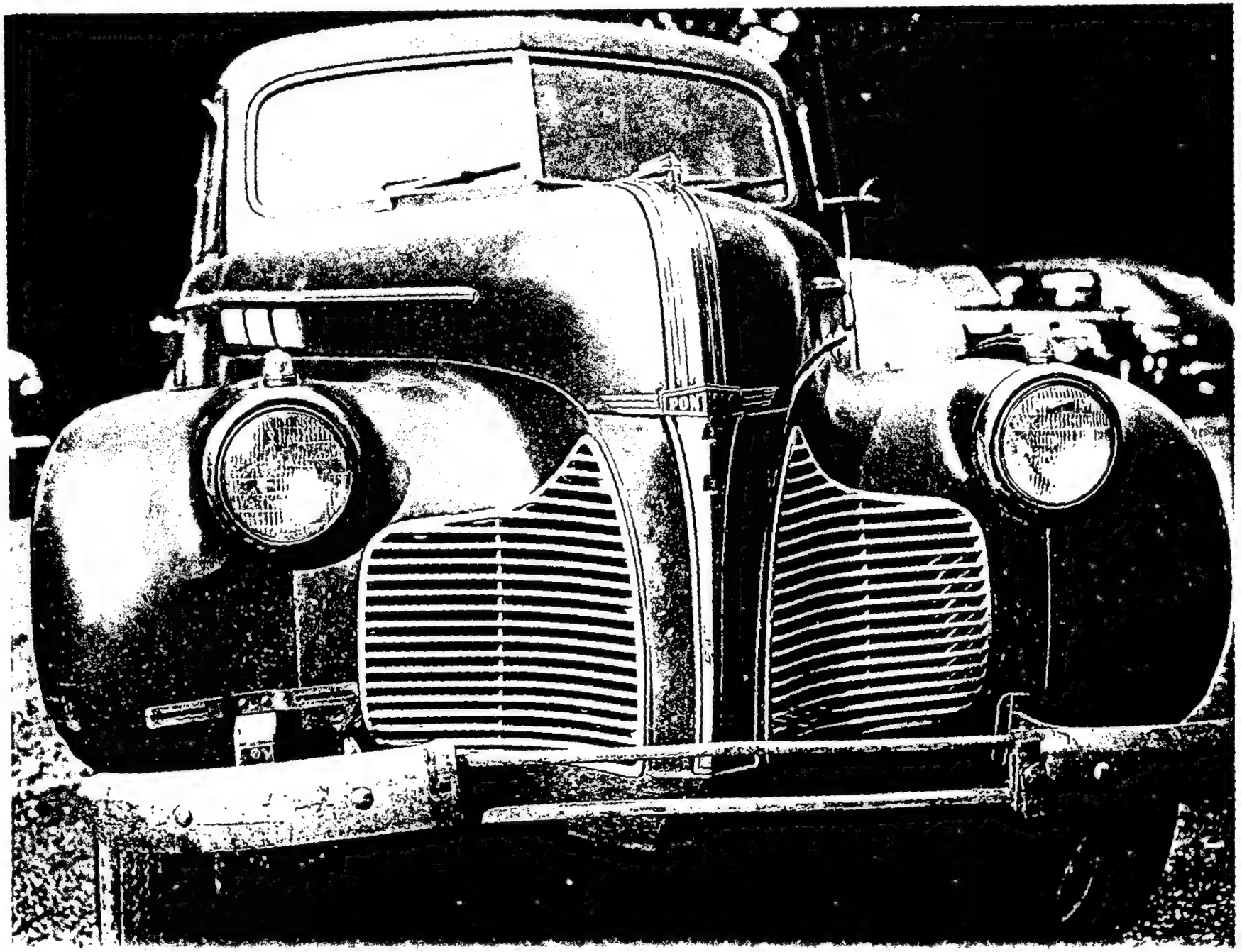
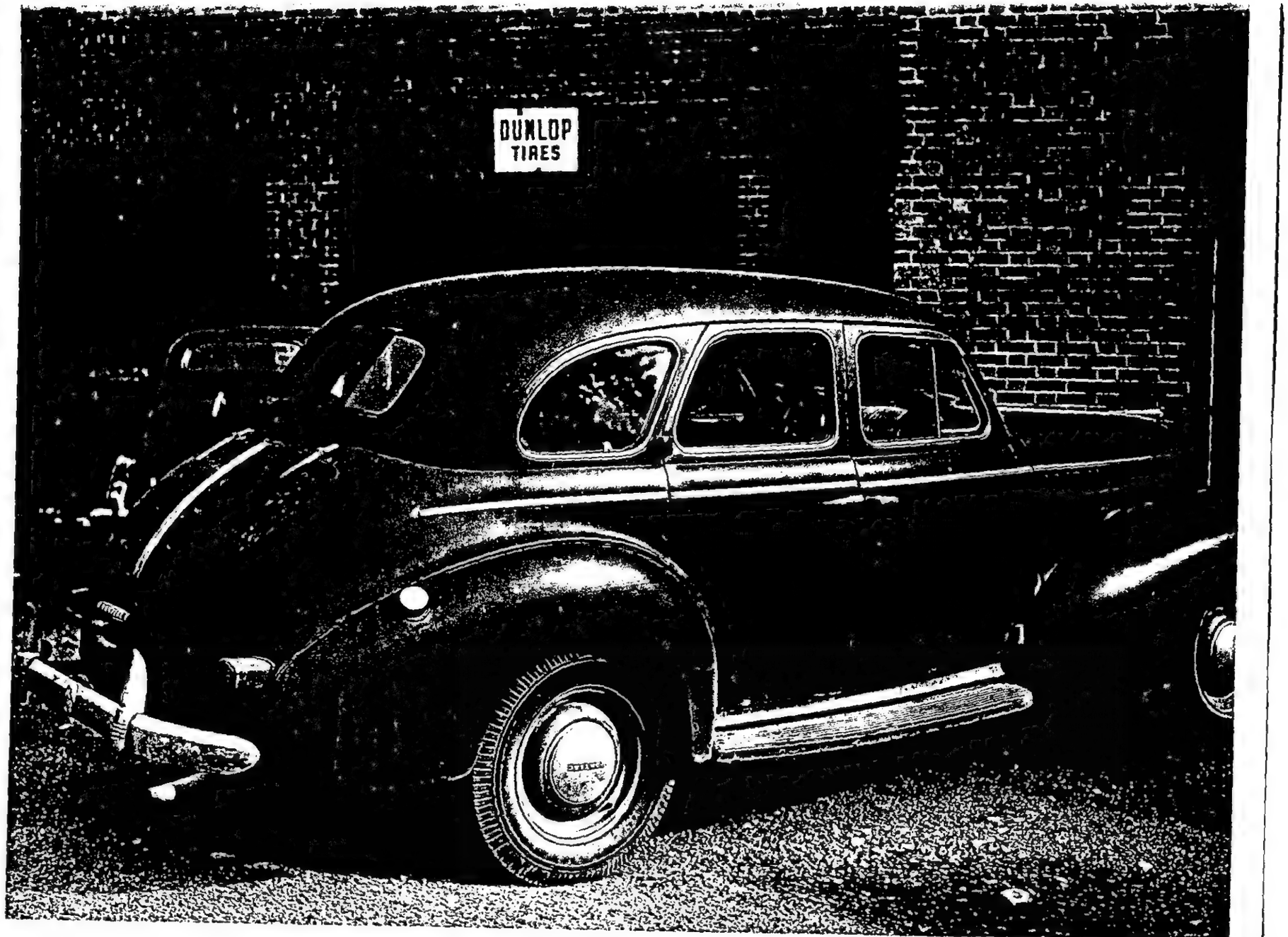
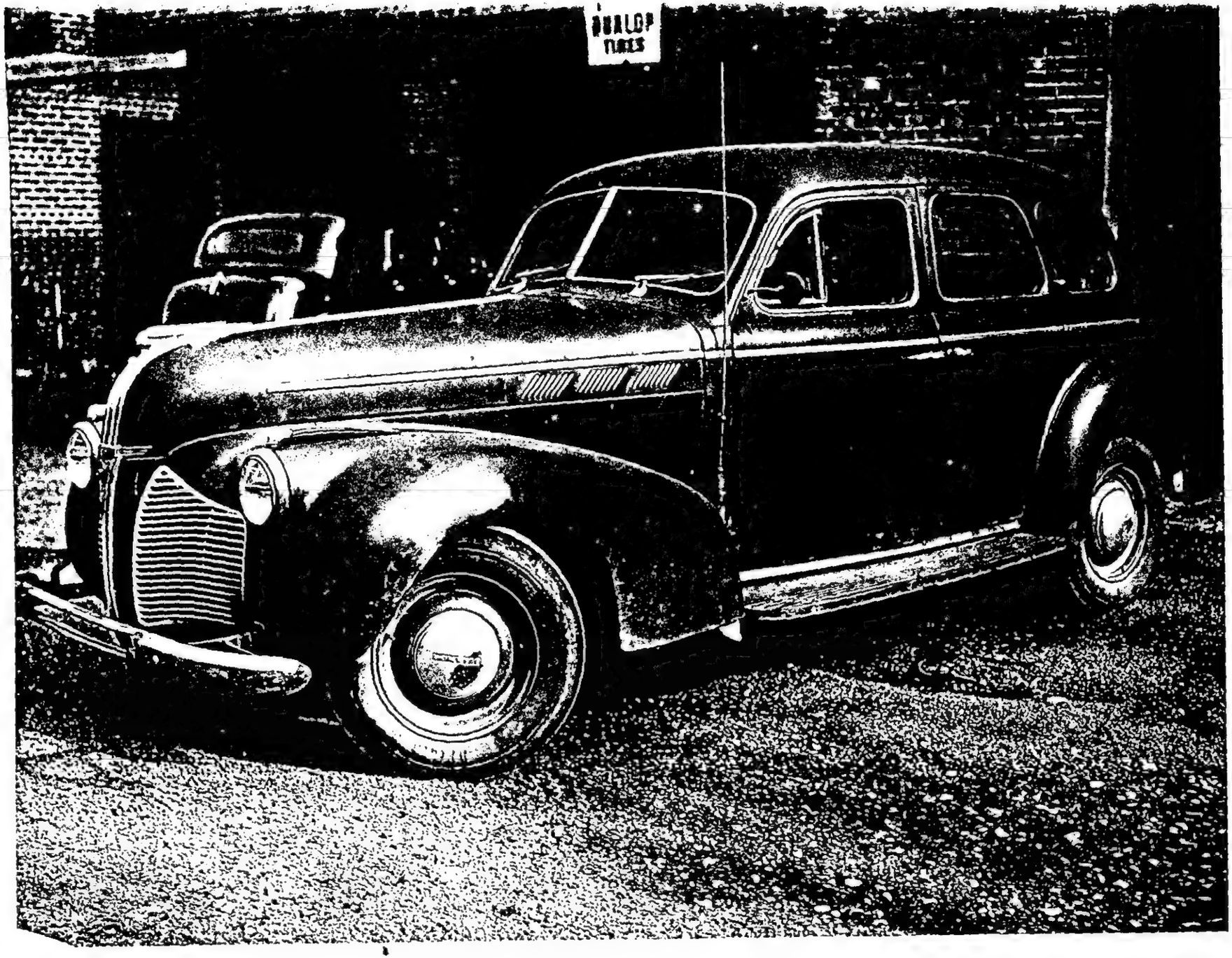

PONT


DUNLOP
TIRES


DUNLOP
TIRES

BULKY EXHIBIT

Date received 10-23-40

[redacted]

100-95068-1B
(Title of case)

Submitted by Special Agent [redacted]

Source from which obtained [redacted]

Address [redacted]

Purpose for which acquired [redacted]

Location of bulky exhibit [redacted]

Estimated date of disposition [redacted]

Ultimate disposition to be made of exhibit [redacted]

List of contents:

51. Small box containing color slides of Rothmund 1940 Pontiac automobile, taken by agents of the Newark office.

100-95068-1B (31)

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 10-26-50

[redacted]

100-95068-1B
(Title of case)

Submitted by Special Agent JOHN F. COLLINS

Source from which obtained [redacted]

Address 39 Church St. NYC

Purpose for which acquired EVIDENCE

Location of bulky exhibit IN CABINET IN FILE

Estimated date of disposition TO BE DESTROYED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit [redacted]

List of contents:

52. 1 copy of article entitled " Introduction To Liquid Mixing" by A. Brotman and F. Kaplan.
53. 1 copy of article entitled "Alkyd Resin Plant Design".
54. 1 copy of catalogue containing data on Hendrick mixing equipment.
55. 1 copy of article entitled "Design of a Resin Plant".

Destroyed 2/12/52
Collins

100-95068-1B

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 11-1-60

ABRAHAM BROTHMAN

100-95068-13
(Title of case)

Submitted by Special Agent JOHN P. COLLINS

Source from which obtained BUCK LEE

Address NEW ORLEANS

Purpose for which acquired EVIDENCE

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE RECEIVED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

56. 3 photographic copies of CP nominating petition for the year 1963 containing the names of Abraham and Naomi Brothman.

Destroyed
4/23/68

33
100-95068-1B

Don

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 11-5-50

ADRIAN SMITH

100-95068-1B
(Title of case)

Submitted by Special Agent JOHN W. COLLINS

Source from which obtained ANNA JOHN M. POST

Address SAME

Purpose for which acquired EVIDENCE

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE DESTROYED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETAIN

List of contents:

57. Original and 1 photostatic copy of 4 page booklet containing information on injection mixer and a super turbine mixer.
58. Original and 1 photostatic copy consisting of 1 page of information in the injection type mixer prepared by A. Smithman.

Destroyed 2/13/52
Collins
100-95068-1B
34

FD-141
(7-1-48)

BULKY EXHIBIT

Date received 10-24-58

[redacted]

100-95068-15
(Title of case)

Submitted by Special Agent J.F. COLLINS

Source from which obtained SAC SPECIAL AGT

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit [redacted]

Estimated date of disposition [redacted]

Ultimate disposition to be made of exhibit [redacted]

List of contents:

59. Eight white cards bearing known handwriting of Harry Gold.

35
100-95068-1B

FD-141
(7-1-46)

BULKY EXHIBIT

Date received [illegible]

[illegible]

100-95068-1B
(Title of case)

Submitted by Special Agent JOHN M. COLLIER

Source from which obtained SAC SERIAL 489

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Estimated date of disposition TO BE DECIDED AT CONCLUSION OF CASE

Ultimate disposition to be made of exhibit RETURN

List of contents:

61 Printed copies of Patent # 2212261 issued August 20, 1940 to A. Brothman for a turbine type mixer.

37
100-95068-1B

Patented Aug. 20, 1940 2,212,261

UNITED STATES PATENT OFFICE

2,212,261

TURBINE TYPE MIXER

Abraham Brothman, New York, N. Y.

Application June 2, 1939, Serial No. 276,951

5 Claims. (Cl. 259—96)

The present invention relates to mixers and more particularly to mixers having a turbine action for the intermixing of liquids and liquids, liquids and gases, or liquids and solids, while circulating the same in a kettle or the like.

The invention seeks to provide a mixer of the type indicated wherein an intimate direct shearing action is obtained in the particles of a mass passing through the mixer.

The invention further contemplates the provision of means for introducing reactants, solvents, etc., into the mass being mixed at the point of mechanical shearing of the particles of said mass and thereby obviating localized over-concentration of the material being introduced.

Another object of the invention is to provide a mixer wherein a greater area of contact between gas and liquid, or liquid and liquid phases are obtained during the aforementioned shearing action.

The invention as herein contemplated, and which will be more fully described in the following specification, is designed to give several advantageous operation phases.

The instant design provides for direct or mechanical shearing in addition to the agitation or indirect shearing obtained by the circulation of the mass of material in a container or kettle. A pumping action of the mixer is afforded by providing a limited inlet to the rotor or impeller of the mixer. This insures a more intimate and longer contact of the mass of materials with the mixer, a feature not obtained in multi-blade paddles as heretofore used. The rotor of the mixer is of such design as to allow for greater linear speeds and hence greater pumping capacities. "Floating pockets" in the mass are obviated due to the forced flow through a restricted impeller inlet. In this manner a better heat transfer is obtained. The device is designed to provide for the injection or introduction of a gas or liquid at the point of most intense mixing action to make possible continuous mixing in a small container or kettle.

The features outlined in the preceding paragraphs may be obtained with the following principles of operation:

Shearing between rotor blades and stator ridges or ribs provide for the mechanical shearing above-mentioned. A limited or restricted inlet to the impeller insures to each particle of the circulated mass, a uniform movement of travel. The provision of stationary radial elements to tangentially deflect the mass after passing through the mixer, acts to retard the flow of material through the mixer and thus to increase its efficiency. The provision of holes or apertures in the stator portions of the mixer for the introduction therethrough of reactants, blenders, etc., at the points of highest velocity flow, causes a wiping and spatula action of the mass passing through the mixer and past the mentioned apertures. The present design lends itself to being arranged in units positioned one above the other so multi-turbine effects may be obtained. Providing encircling screens or cages around the mixer would serve to hold up the charge in said mixer to increase the amount of shearing of the mass therein.

The apparatus as herein contemplated, may be used as a continuous mixer in sulphonation and nitration. It may be used in flue gas absorption and in the distribution of CO_2 in resin kettles. The mixer may be used for hydrogenation and oxidation at atmosphere or at greater pressures, and in "blowing" of asphalt and the "blowing" of linseed oil and other oils at atmosphere, at greater pressures, and at all temperatures. The device may be used in blending operations, thinning operations, in the manufacture of suspensions, in emulsifications, for gas scrubbing, in the acid treatment of petroleum and lubricating oils, in the continuous NaOH refinement of vegetable oils, etc.

In carrying out the invention it is, of course, too cumbersome to illustrate and describe the various changes and arrangements which may be made in the apparatus for each of the foregoing types of operation. The instant disclosure is intended as exemplary of apparatus for the herein mentioned purpose, the following detailed specifications thereof being based on the accompanying drawings, in which exemplary forms of mixers have been illustrated.

In the drawings:

Fig. 1 is a plan view, partly in cross section, of a kettle in which is provided a turbine type mixer as herein contemplated.

Fig. 2 is an elevational view thereof, the kettle being broken away to expose to view a mixer of instant design.

Fig. 3 is an enlarged vertical sectional view, partly broken away, of a mixer such as shown in Fig. 2.

Fig. 4 is a fragmentary plan view of the rotor of the mixer shown in Fig. 3.

Fig. 5 is a similar view of one of the stator members thereof.

Fig. 6 is a front elevational view partly broken away and partly in cross section, of a kettle hav-

ing a mixer therein of alternate design, connections being shown for introducing material at the shearing points of said mixer.

Fig. 7 is a top plan view, broken in successive stages, of the mixer shown in Fig. 6.

Fig. 8 is a fragmentary sectional view indicating the intimate detail of one of the stator members of the mixer shown in Figs. 6 and 7.

Fig. 9 is a similar view of an alternate form of stator.

In that practical embodiment of the invention illustrated in Figs. 1 to 5 inclusive, the kettle 15 is shown as comprising a cylindrical shell 16 and dished top and bottom portions respectively 17 and 17a. Vertically disposed in the kettle there is provided a shaft 18 driven by means such as the motor 19 through reduction gearing 20 supported at the top of the kettle.

In the usual manner the kettle may be provided with a manhole 21, a charging connection 22, and a reflux connection 23.

The turbine type mixer herein contemplated, is preferably positioned below the middle of the kettle and supported in this position as by means of rods 24 or the like, carried by supports 25 affixed to the inner wall of the kettle. The position of the mixer in the kettle may vary, however, and may be determined by the pumping capacity of the rotor, the viscosity of the material being agitated, and the intermediate changes in the consistency of the mass.

Referring now more particularly to Figs. 3, 4, and 5, upon the shaft 18 there is provided a rotor member 26 on both upper and under faces of which are preferably set the blades 27 and 28 respectively. These blades, as shown in Fig. 4, are disposed tangentially to a circle of smaller diameter than the outer periphery of the rotor 26.

The mixer also includes the respective upper and lower stator rings 29 and 30, each being formed with ribs or ridges respectively 31 and 32, directed toward the respective blades 27 and 28. The ribs 31 and 32 are preferably radially arranged as shown in Fig. 5. The stator rings are so arranged in relation to the rotor 26 as to provide the gaps 33 and 34 between the respective blades and ribs. The stator members are preferably formed as rings to provide central inlet openings 35 and 36, the outlet of the mixer being in the present instance, unrestricted.

The aforementioned rods 24 serve to support the spaced brackets 37, said brackets serving to hold the stator rings in the aforementioned spaced relation.

Because of the angular disposition of the blades 27 and 28 in relation to the respective ribs 31 and 32, a direct shearing of material passing between said blades in the gaps 33 and 34, is obtained. Fig. 2 shows in a general way, by means of arrows, the type of flow obtained in the mass during rotation of the rotor 26. Material is sucked downwardly through the opening 35 and upwardly through the opening 36 and by centrifugal force directed past the respective blades of the rotor and ribs of the stator to be mechanically sheared and then forced to the outer periphery of the mixer and into the mass of materials in the kettle. There is thus established a circulation of the mass of materials wherein in a quite short period all of the materials within the kettle are thoroughly intermixed first by the aforementioned mechanical shearing and second by the friction among the particles in the mass as said mass is being agitated.

To further enhance the friction in the mass, deflector blades such as 38 may be provided on the inner wall of the kettle to retard swirling of the mass during agitation thereof.

It is evident from the above that a highly efficient mixer for the purpose previously set forth has been obtained; that all the parts thereof are of such design as to be inherently strong; that the peripheral speed of the rotor has been utilized to obtain a highly efficient operation—one which was not obtainable by the usual type of paddle or turbine mixer where the material in the kettle could not maintain uniform contact with the paddles; and that the confinement of the rotor between superposed stator members guides the material into such intimate contact with the blades and ribs that a highly efficient mechanical shearing of the mass is obtained.

In that form of the invention shown in Figs. 6 to 9, the kettle 40 has mounted therein the vertical shaft 41 which may be rotated in a manner as above described. Upon the shaft 41 is carried a rotor 42 having blades 43 and 44. This rotor is substantially similar to the one previously described.

In this form of the invention the stator members 45 and 46 are also ring-shaped and provided with inlet openings 47 and 48.

The stators 45 and 46 are each shown as having a respective chamber 49 and 50 and piping connections 51 and 52 to a vertical pipe 53 having a flange 54 above the top of the kettle for connection to a supply of a gas or a liquid.

Each of the stator rings, at its outer periphery, serves to support rings 55 between which are disposed a plurality of vertically disposed baffles 56. In staggered relation to the baffles 56 there are also arranged another series of baffles 57. The latter may be termed primary baffles and the former, secondary baffles.

With particular reference to Figs. 7 and 8, it will be noted that each of the chambered stator rings 45 and 46 are provided as at 58 with a series, or as shown at 59 of Fig. 9, with a plurality of series, of holes or apertures of relatively small dimension. These apertures 58 or 59 communicate the chambers 49 and 50 with the gap or space between the blades 43 and 44 and the respective stator members.

As shown in Fig. 8, the hollow stators may also be provided with ribs for shearing association with the shear blades 43 and 44, the viscosity of the mass being agitated, determining the desirability of using the ribs and also determining the height of the ribs and blades.

Thus it may be seen that during the agitation and mixing of materials and the shearing thereof, a gas such as air or CO_2 or other gases, or a suitable liquid or finely divided solid may be introduced through the pipe 53 and thus into the chambers 49 and 50 to pass through the apertures 58 into the mentioned area of shearing between the rotor and the stators. In this manner the material passing through pipe 53 may be introduced into the mass in small but continuous quantities to insure a uniform distribution therein.

The primary deflectors 57 and also the secondary deflectors 56 serve to minimize swirling of the mass and also serve to obtain a more intimate incorporation of the material passing through the mixer and into the remaining mass of materials by retarding the flow of material as it leaves the mixer. The rings 55 serve to confine the material flowing from the mixer to enhance the action immediately above set forth.

While only two forms of the mixer have been disclosed, it is obvious that the design thereof could be varied to suit the different conditions outlined in the preamble of this specification, and it is intended that the invention as claimed should have a broader basis of interpretation than on the present specific disclosure.

What I claim as new and desire to secure by Letters Patent, is:

1. A mixer comprising a rotor, shear blades on said rotor, a stator member disposed to each side of said rotor and each having a surface in shearing relation with said shear blades, said stator members each having a chamber and each provided with perforations communicating said chamber with the shearing points of the mixer, and means for conducting a fluid to said chambers.

2. A mixer of the character described comprising a rotor having shear blades, a stator at each side of the rotor and each having a surface in shearing relation with said shear blades, each stator being formed with a central inlet opening for the passage therethrough of a fluid mass entering the mixer, and deflector baffles positioned beyond the outer periphery of said rotor for deflecting the fluid mass leaving the mixer, said baffles being fixed and arranged in plural concentric series.

3. A mixer of the character described comprising a rotor having shear blades, a stator at each side of the rotor and each having a surface in shearing relation with said shear blades, each stator being formed with a central inlet opening for the passage therethrough of a fluid mass entering the mixer, and deflector baffles positioned beyond the outer periphery of said rotor for deflecting the fluid mass leaving the mixer, said baffles being carried by said stators and arranged in plural concentric series.

4. A device of the character described comprising a pair of hollow stator members having apertured faces directed towards each other, shear ribs on said faces, a rotor positioned between said stator members and having blades in shearing relation with said shear ribs respectively, and means connected to said stator members for conducting fluid to the hollows therein, said fluid passing through the mentioned apertures directly to the shearing points between said ribs and said blades.

5. In a device of the character described, a pair of hollow stator members, and a rotor positioned therebetween for inducing a flow of a liquid mass between inwardly directed surfaces of said stator members, a set of blades on each side of said rotor, each set of blades being directed towards one of the mentioned stator surfaces to shear the liquid mass passing therebetween, said inwardly directed stator surfaces being apertured for passage therethrough of a fluid circulating in the mentioned hollow stator members, the fluid passing through the apertures being directed at the shear points between each set of rotor blades and its related stator surface.

ABRAHAM BROTHMAN.

Aug. 20, 1940. A. BROTHMAN 2,212,261

TURBINE TYPE MIXER

Filed June 2, 1939 2 Sheets-Sheet 1

Fig. 1.

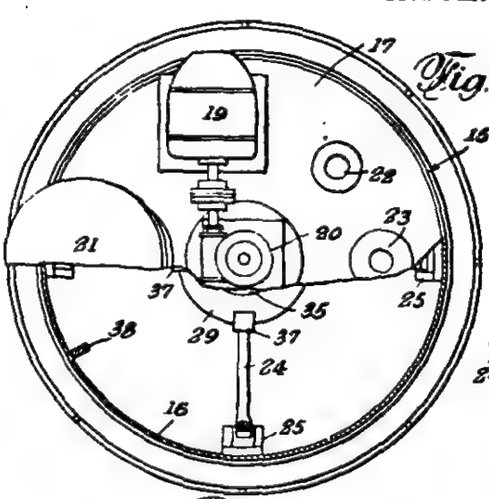


Fig. 3.

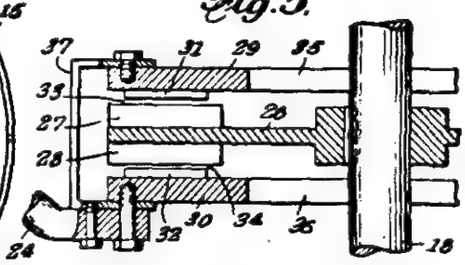


Fig. 4.

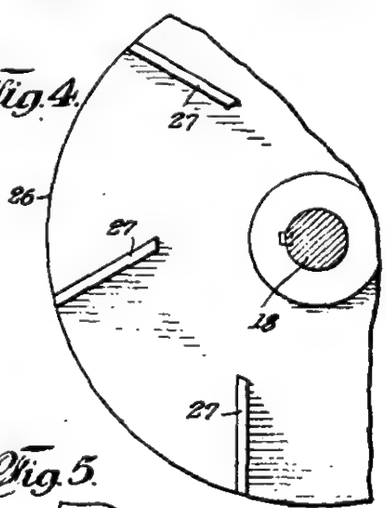


Fig. 2.

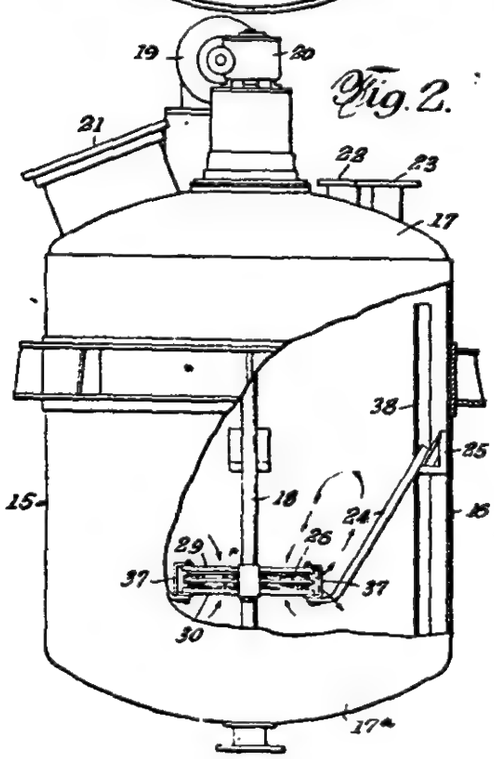
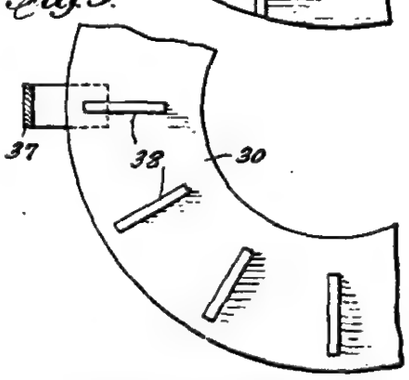


Fig. 5.



INVENTOR
ABRAHAM BROTHMAN

BY
Hyman Jackman
ATTORNEY

Aug. 20, 1940. A. BROTHMAN 2,212,261

TURBINE TYPE MIXER

Filed June 2, 1939 2 Sheets-Sheet 2

Fig. 6.

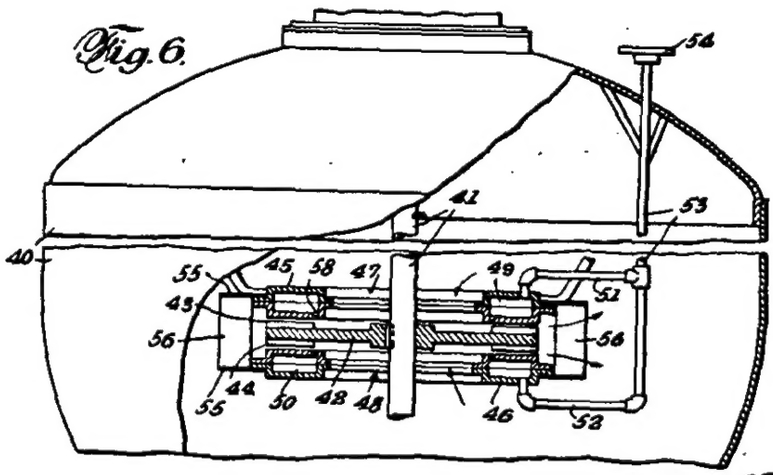


Fig. 9.

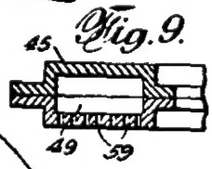
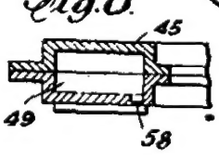


Fig. 7.

Fig. 8.



INVENTOR
ABRAHAM BROTHMAN
BY
Hyman Jackman
ATTORNEY

FD-141
(1-13-48)

BULKY EXHIBIT

Date received 10-10-50

ABRAHAM BROTMAN

100-95068-1B
(Title of case)

Submitted by Special Agent T.H. ROLLER

Source from which obtained SELECTIVE SERVICE BOARD

Address

Purpose for which acquired INVESTIGATION

Location of bulky exhibit IN CABINET WITH FILE

Ultimate disposition to be made of exhibit
ESTIMATED DATE OF DISPOSITION TO BE DECIDED AT CONCLUSION OF CASE

List of contents:

62. Photostatic copy of Brotman's Selective Service File.

Returned 11/7/50

38
100-95068-1B
F.B.I.
NOV 1950
N.Y.C.
ROUTED TO FILE

16v-17v

n 3

[redacted]e numbered 3 is Abe

in 11 pgs on mixing, page numbered 6 has equation in B's writing

Item 4
Relates to B's writing

Item 5
yellow sheets attached are B's writing

Item 8
last 2 pgs B's writing

Item 14
handwritten notes are B's

FD-141
(1-13-48)

BULKY EXHIBIT

Date received 11-7-50

ABRAHAM FROTHMAN

100-95068-1B
(Title of case)

Submitted by Special Agent E.R. TULLY

Source from which obtained SEE BELOW

Address

Purpose for which acquired JURY PANEL CHECK

Location of bulky exhibit JH SAFE WITH FILE

Ultimate disposition to be made of exhibit RETAIN
ESTIMATED DATE OF DISPOSITION TO BE DETERMINED AT CONCLUSION OF CASE

List of contents:

63. Names of potential jurors in the Abraham Frothman case.

Destroyed
1/25/57

100-95068-1B
39